

A G E N D A
BOARD OF SHELBY COUNTY COMMISSIONERS
CHARTER FORM OF GOVERNMENT
MAY 17, 2004

1:30 P.M.	COMMISSION CONVENES
CALL TO ORDER	Deputy Sheriff Carol Taylor
INVOCATION	Rev. Michael Spradlin, President, MidAmerica Baptist Theological Seminary
PLEDGE OF ALLEGIANCE	
ROLL CALL	
LILLARD ADOPTED	<u>Approval of Minutes of Previous Sessions</u> April 26, 2004

C O N S E N T A G E N D A

Resolutions of Memorial, Sympathy and Commendation

BOLTON ADOPTED	1. Memorial Resolution in honor of Dr. Theodore Roosevelt McLemore.
HOOKS ADOPTED	2. Memorial Resolution in honor of Mr. Riley C. Garner, former Shelby County Trustee.
KIRK ADOPTED	3. Resolution acknowledging the 50th anniversary commemoration of Brown v. Board of Education of Topeka, Kansas.
LILLARD ADOPTED	4. Resolution commending Mrs. Joan Donahue, teacher with Crosswind Elementary School, selected as ‘<i>2004 Outstanding Teacher of the Year</i>’ by the Tennessee Parent Teachers Association (TPTA).
LILLARD ADOPTED	5. Resolution commending Ms. Jacki Harris, Crosswind Elementary School, Pilot Club of Shelby County’s ‘<i>Special Education Teacher of the Year for 2004</i>’.
RENDTORFF ADOPTED	6. Resolution of commendation in honor of Andrea 'Andy' Darlington, teacher with Houston High School, named ‘<i>Christian Educator of the Year</i>’ by the Christian Educators Association International.
RENDTORFF ADOPTED	7. Resolution proclaiming May 25, 2004 as “<i>National Missing Children’s Day</i>” in Shelby County.

Ordinances

HOOKS
(REMOVED TO
REGULAR
AGENDA)
APPROVED

8. **ORDINANCE – SECOND READING** – An Ordinance to amend Chapter 7, Article XI, of the Code of Ordinances of Shelby County, Tennessee relative to security alarm services.

Zoning and Subdivisions

HOOKS
ADOPTED
(A-I)

9. Resolution approving various subdivision contracts, plats, extensions, bond releases, etc. as recommended by the County Engineer.

Reports and/or Resolutions of Standing Committees

KIRK
ADOPTED

10. Resolution approving a 5% out of class pay for Brenda Robinson for assuming the duties of the Manager of Compensation until the position is filled.

KIRK
ADOPTED

11. Resolution approving 5% out of class pay for a Clerical Specialist A in the Election Commission Department.

KIRK
ADOPTED

12. Resolution approving 5% out of class pay for a Chief Principal Court Clerk in the General Sessions Court Clerk's office.

KIRK
ADOPTED

13. Resolution approving the reactivation of a Program Administrative Specialist "A" position in the Purchasing Department.

KIRK
ADOPTED

14. Resolution appropriating \$125,000.00 from FY 2003/2004 CIP Project No. 101934, The Children's Museum.

KIRK
ADOPTED

15. Resolution appropriating \$220,000.00 from FY 2003/2004 CIP Project No. 101930 National Civil Rights Museum.

KIRK
ADOPTED

16. Resolution increasing the county grant appropriation for the Exchange Club by \$20,000.00 and amending the FY 2003/2004 Operating Budget.

KIRK
ADOPTED

17. Resolution approving expenditure of funds in the amount of \$173,416.99 to Interstate Brands for the purchase of bread and bakery products for various departments of Shelby County Government.

KIRK
ADOPTED

18. Resolution approving a contract with DWA, Inc., Security Services for the provision of security services in Shelby County buildings and property and appropriating funds in the amount of \$1,077,270.78.

KIRK ADOPTED	19.	Resolution approving expenditures not to exceed \$930,000.00 for renovation of twelve courtrooms and associated common areas in the Shelby County Criminal Justice Center; authorizing the mayor to execute outside contracts in amounts not to exceed \$930,000.00; and appropriating funds for said contracts from the FY 2003/2004 Budget for CIP Project No. 101505, Justice System: Criminal Justice Center.
LILLARD ADOPTED	20.	Resolution approving the expenditure of funds by Shelby County Government to Fullen Dock and Warehouse and Martin Marietta Aggregates for limestone products in the approximate amount of \$140,825.00 from July 1, 2004 through June 30, 2005.
LILLARD ADOPTED	21.	Resolution authorizing the mayor to enter into a contract with US Construction, LLC, for the installation of a decentralized sewer system in the Bolton Estates Subdivision, and appropriating funds in the amount of \$310,888.00 and appropriating \$109,612.00 for contingency and purchase of property and easements from the FY 2003/2004 Budget for CIP Project No. 100106, Sanitary Sewer Repair, and amending the FY 2003/2004 CIP Budget.
AVERY ADOPTED	22.	Resolution to approve a contract between the Memphis and Shelby County Health Department and the Tennessee Department of Health in the amount of \$217,800.00 for HIV/AIDS case management services for the period April 1, 2004 to March 31, 2005, and to amend the FY 2003/2004 Operating Budget.
AVERY ADOPTED	23.	Resolution to approve a subcontract amendment between the Health Department and Memphis Health Center, Inc., to operate the Special Supplemental Food Program for Women, Infants and Children (WIC) for the period October 1, 2003 through September 30, 2004, in the amount of \$86,700.00.
AVERY ADOPTED	24.	Resolution to approve an agreement with the Regional Medical Center at Memphis (The Med) and the Memphis and Shelby County Health Department for Pharmaceutical Services at a cost of \$74,500.00 for the period July 1, 2003 – June 30, 2004.
AVERY ADOPTED	25.	Resolution to approve a subcontract between the Memphis and Shelby County Health Department and Community Health Resources, Inc., to provide community prevention initiative services for the period January 1, 2004 through June 30, 2004, in the amount of \$54,000.00.
AVERY ADOPTED	26.	Resolution to approve a contract between Shelby County Government and Forensic Medical Management Services, P.C., for the provision of services of an Interim Chief Medical Examiner in the amount of \$117,334.00 for the period February 19, 2004 – July 31, 2004, and to amend the FY 2003/2004 Operating Budget.
THOMPSON ADOPTED	27.	Resolution to amend the FY 2003/2004 Shelby County Operating Budget to provide for expenditure of interest allocated to proceeds of the Local Law Enforcement Block Grant for federal fiscal year 2001.
THOMPSON ADOPTED	28.	Resolution amending the FY 2004 Operating Budget in the amount of \$12,000.00 to account for Local Law Enforcement Block Grant funds for the Shelby County Division of Corrections.

THOMPSON ADOPTED	29.	Resolution amending the FY 2003/2004 Operating Budget of the Juvenile Court of Memphis and Shelby County in the amount of \$5,000.00. This project is funded by the State of Tennessee, Department of Children's Services for the period of June 1, 2003 through June 30, 2005.
THOMPSON (DEFERRED TO 06/07/04)	30.	Resolution approving a contract with ESI Companies, Inc., and appropriating funds in the amount of \$1,500,147.00 from the CIP Budget #101502, for renovation of jail security control centers, Phase II.
THOMPSON ADOPTED	31.	Resolution approving expenditure of funds to Precision Delta Corp. in the amount of \$87,725.00 for the purchase of ammunition for the Sheriff's Office.
HOOKS ADOPTED	32.	Resolution to approve a contract between Shelby County Government and Selectron Technologies, Inc., for the purpose of an interactive voice response system and maintenance support to integrate with the Permits Plus Permit Activity Management System and to appropriate funds in the amount of \$84,400.00.
WILLINGHAM ADOPTED	33.	Resolution approving the FY 2005 Budget of the Center City Commission.
WILLINGHAM ADOPTED	34.	Resolution rescinding Resolution 23A adopted on March 22, 2004, approving the use of up to \$350,000.00 of funds generated as excess interest earnings for a Change Order to build out a locker room for the use of the University of Memphis men's basketball team.
RENDTORFF ADOPTED	35.	Resolution to approve Amendment #1 to the Shelby County Community Services Agency Commodities Program contract due to additional funds from the Tennessee Department of Agriculture and to amend the FY 2004 Operating Budget from \$119,605.00 to \$139,605.00, an increase of \$20,000.00.
MOSS ADOPTED	36.	Resolution authorizing the mayor to enter into a contract with the State of Tennessee Department of Environment and Conservation for the Loosahatchie River Study, amending the FY 2003/2004 Budget and appropriating funds in the amount of \$9,539.00 from the FY 2003/2004 Budget for Project Number #101943, Loosahatchie River Study.
MALONE ADOPTED	37.	Resolution rescinding previously approved resolution approving Homestead Program transfer of properties and reassigning properties to the real estate office for sale.
MALONE ADOPTED	38.	Resolution approving the transfer of title of one parcel of Homestead Program property pursuant to Tennessee Code Annotated 7-66-101 to 7-66-111 and Resolution #24 adopted by the Shelby County Board of Commissioners October 7, 1985, authorizing the implementation of the Homestead Program.
RENDTORFF ADOPTED	CONSENT AGENDA	

REGULAR AGENDA

Elections, Appointments, and Confirmations

Ordinances

HOOKS
(DEFERRED
TO 06/07/04)

39. **ORDINANCE – THIRD READING** – An Amendment to the Joint Ordinance by the City Council of the City of Memphis and Resolution by the Board of the County Commissioners of Shelby County, creating the Memphis and Shelby County Office of **Construction Code Enforcement** and prescribing its power and duties; providing for the creation of a Joint Board of Appeals and the election of its chairman and vice chairman; providing for an Administrator and two Deputy Administrators for the office; providing for the distribution of funds accruing to said office and for the sharing the expense of operation of said board and office by said governmental bodies; adopting the current Shelby County Construction Codes and the Memphis and Shelby County Construction Code; and authorizing the development of policies, procedures and approval procedures by both legislative bodies for a commercial demolition program and authorizing certain commercial demolition activities.

HOOKS
ADOPTED

40. **ORDINANCE – THIRD READING – (ZTA 03-002 CC)** -- A Joint Ordinance amending the Memphis and Shelby County Zoning Ordinance, adopted by the Shelby County Board of Commissioners on October 7, 1980 and the Council of the City of Memphis on October 7, 1980; being Joint Ordinance No. 3064, as amended, so as to make certain changes therein as follows:
- 1) **Section 29 – Signs,**
Subsection III – Definitions;
Subsection IV – Classification of signs;
Subsection V – Signs Prohibited;
Subsection VI – General Standards;
Subsection VII – Permanent On-Premise Sign Regulations;
Creating a new Subsection XII – Violations; and
Creating a new Subsection XIII – Enforcement and Penalties.
 - 2) **Section 30 – Non-conformities,**
Subsection E – Non-conforming On-Premise and Off-Premise Signs -
Providing for severability;
Providing for repeal of conflicting ordinance requirements; and
Providing an effective date.

Zoning and Subdivisions

**HOOKS
(DEFERRED
TO 06/07/04)**

- 41. CASE NO. P.D. 03-367 CO
APPLICANT: Braizemore Estates, LLC**
- LOCATION: North side of Pleasant Ridge Road; +1,230.5 feet west
of Sledge Road**
- REQUEST: Planned development to permit 149 single family
detached homes with a minimum lot size of 15,054
square feet in accordance with the Single Family
Residential (R-S15) District**
- Memphis and Shelby County Office of Planning and Development
recommendation:
REJECTION**
- Memphis and Shelby County Land Use Control Board
recommendation:
REJECTION**
- (Notice of public hearing published in the Daily News on Friday,
May 7, 2004.)**

**HOOKS
(DEFERRED
TO 06/21/04)**

- 42. CASE NO. P.D. 03-353 CC
APPLICANT: Belz Investco GP**
- LOCATION: The southern terminus of Windyke, Clubview and
Greenbelt Drives; +/-170 feet south of Glen Eden Drive**
- REQUEST: Planned development to create a mixture of lot sizes
ranging between a minimum 3,500 square feet to a
maximum 10,000 square feet in accordance with the
bulk regulations of the R-S & R-TH Districts.**
- Memphis and Shelby County Office of Planning and Development
recommendation:
APPROVAL WITH CONDITIONS**
- Memphis and Shelby County Land Use Control Board
recommendation:
APPROVAL WITH CONDITIONS**
- (Notice of public hearing published in the Daily News on Friday,
May 7, 2004.)**

**HOOKS
ADOPTED**

- 43. CASE NO. P.D. 04-314 CC
APPLICANT: RUSCO**
- LOCATION: East side of Houston Levee Road; +/- 4,700 feet north
of Macon Road**
- REQUEST: Planned development to permit 103 single family
detached dwellings with lot sizes a minimum of 5,849
square feet to the interior, 7,339 square feet along the
north boundary and 9,660 square feet along the
south boundary of the Outline Plan.**
- Memphis and Shelby County Office of Planning and Development
recommendation:
REJECTION**
- Memphis and Shelby County Land Use Control Board
recommendation:
APPROVAL WITH CONDITIONS**
- (Notice of public hearing published in the Daily News on Friday,
May 7, 2004.)**

**HOOKS
ADOPTED**

- 44. CASE NO. P.D. 04-315 CC
APPLICANT: Latting Road, LLC**
- LOCATION: Northwest corner of Latting Road and Mt. Airey Drive
extending north to the eastern terminus of Clarke
Landing Drive and Gray’s Creek.**
- REQUEST: Mixed use development containing 180 (3/4 to 1 acre)
residential lots and two commercial lots totaling
20,000 square feet of office/retail space.**
- Memphis and Shelby County Office of Planning and Development
recommendation:
 HOLD FOR REDESIGN AND ADDITIONAL STUDY**
- Memphis and Shelby County Land Use Control Board
recommendation:
 APPROVAL SUBJECT TO CONDITIONS**
- (Notice of public hearing published in the Daily News on Friday,
May 7, 2004.)**

**HOOKS
ADOPTED**

- 45. CASE NO. P.D. 04-316 CC
APPLICANT: Denson C. Napier, Jr.**
- LOCATION: North side of Raleigh-LaGrange Road; +/-2,365 feet
west of Collierville-Arlington Road**
- REQUEST: A planned development to create nine (9) single
family detached lots (minimum lot size 2.0 acres)**
- Memphis and Shelby County Office of Planning and Development
recommendation:
 APPROVAL WITH CONDITIONS**
- Memphis and Shelby County Land Use Control Board
recommendation:
 APPROVAL WITH CONDITIONS**
- (Notice of public hearing published in the Daily News on Friday,
May 7, 2004.)**

**HOOKS
(DEFERRED
TO 06/07/04)**

- 46. CASE NO. U.V. 04-02 CC
APPLICANT: Bruce Wring**
- LOCATION: East side of Riverdale Road; +34 feet south of
Fernbank Lane**
- REQUEST: Office**
- Memphis and Shelby County Office of Planning and Development
recommendation:
 REJECTION**
- Memphis and Shelby County Land Use Control Board
recommendation:
 REJECTION**
- (Notice of public hearing published in the Daily News on Friday,
May 7, 2004.)**

**HOOKS
(DEFERRED
TO 06/07/04)**

- 47. CASE NO. Z 04-116 CC
APPLICANT: Trimark, LLC**
- LOCATION:** North side of Holmes Road; beginning 515+ feet west of Autumn Forrest Drive; extending north to the southern termini of Autumn Evening Lane and Autumn Morning Lane.
- REQUEST:** Single Family Residential (R-S10) District
- Memphis and Shelby County Office of Planning and Development recommendation:**
 APPROVAL
- Memphis and Shelby County Land Use Control Board recommendation:**
 APPROVAL
- (Notice of public hearing published in the Daily News on Friday, May 7, 2004.)**

Reports and/or Resolutions for Standing Committees

**KIRK
WITHDRAWN**

- 48. Resolution amending the budget of the Shelby County Trustee’s office, increasing Delinquent Tax Collections, Account Number 4102, by \$201,000.00, and requesting the release of the \$201,000.00 reserve of restricted O&M, Account Number 9530, in the Trustee’s 2003/2004 Budget.**

**KIRK
ADOPTED**

- 49. Resolution requesting the release of the contingencies and restrictions to the Operations and Maintenance Budget of the Criminal Court Clerk in the amount of \$43,000.00 and reducing Lapse Time Restriction in the amount of \$190,000.00 for a total not to exceed \$233,000.00.**

**HOOKS
ADOPTED**

- 50. Resolution approving consulting services in the development of a Regional Transportation Model pursuant to the U.S. Department of Transportation Rules and Regulations (23 CFR 450) requiring the development and implementation of a coordinated transportation planning process in large urbanized areas.**

**HOOKS
ADOPTED**

- 51. Resolution to appropriate funds in the amount of \$333,029.00 for consulting services in the development of the Memphis MPO Regional Bicycle and Pedestrian Plan.**

**HOOKS
(DEFERRED
TO 06/07/04)**

- 52. Joint Resolution of the City Council of the City of Memphis and the Board of County Commissioners of Shelby County, Tennessee establishing the 2003-2004 budget for the Commercial Demolition Program and designating projects under that budget.**

**KIRK
ADOPTED**

- 53. Resolution by the Board of County Commissioners of Shelby County, Tennessee expressing support for Senate Bill Number 3508 and House Bill Number 3604, relative to the Divorce Referee.**

**KIRK
ADOPTED**

- 53A. Resolution amending the FY 2004 Assessor’s budget for increased state grant amount.**

Announcements/Statements

**LILLARD
ADOPTED**

- 53B. Resolution directing that a letter be sent to all elected officials regarding compliance with Resolution 26, adopted on February 9, 2004, outlining the budget process for FY 2005.**

Adjournment

**LILLARD
ADOPTED**

- 54. Resolution of Adjournment to June 7, 2004, at 1:30 p.m.**

9A

SUBDIVISION: BUCKINGHAM FARMS P.D., PHASE 22, PART OF PARCELS D, G, AND H (P.D. 95-310 CC)

DEVELOPER: BUCKINGHAM FARMS, LLC

ACTION: RESOLUTION TO RELEASE THE BOND THAT SECURED THE IMPROVEMENTS TO BUCKINGHAM FARMS P.D., PHASE 22, PART OF PARCELS D, G, AND H (P.D. 95-310 CC)

LOCATION: NORTH AND EAST SIDE OF MEADOWVALE DRIVE, EXTENDING 900 TO 4,000 FEET NORTH OF SHELBY DRIVE (ATLAS PAGE 274)

9B

SUBDIVISION: MILLERS POINT P.D. (P.D. 02-358 CC)

DEVELOPER: DAVID MILLER

ACTION: RESOLUTION TO RELEASE THE BOND THAT SECURED THE IMPROVEMENTS TO MILLERS POINT P.D. (P.D. 02-358 CC)

LOCATION: WEST SIDE OF BERRYHILL ROAD; +/-919.49 FEET NORTH OF CHIMNEYROCK BOULEVARD

9C

SUBDIVISION: MORNING SUN P.D., AREA C, PHASE 1 (P.D. 97-374 CC)

DEVELOPER: MORNING SUN, LLC

ACTION: RESOLUTION TO RELEASE THE BOND THAT SECURED THE IMPROVEMENTS TO MORNING SUN PD, AREA C, PHASE 1 (P.D. 97-374 CC)

LOCATION: MISTY BAY DRIVE AND MISTY PINE DRIVE (LOT 142)

9D

SUBDIVISION: STONEBRIAR P.D., PHASE 1, PART OF AREAS 1, 2, 3, AND 5 (P.D. 03-335 CC)

DEVELOPER: LAND SOLUTIONS, LLC

ACTION: RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO STONEBRIAR P.D., PHASE 1, PART OF AREAS 1, 2, 3, AND 5 (P.D. 03-335 CC) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED

LOCATION: SOUTH SIDE OF HOLMES ROAD; 747 FEET EAST OF ANNADALE DRIVE

9E

SUBDIVISION: STONEBRIAR P.D., PHASE 2, PARTS OF AREAS 1 AND 4 (P.D. 03-335 CC)

DEVELOPER: LAND SOLUTIONS, LLC

ACTION: RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO STONEBRIAR P.D., PHASE 2, PARTS OF AREAS 1 AND 4 (P.D. 03-335 CC) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED

LOCATION: SOUTH SIDE OF HOLMES ROAD; +/-747FEET EAST OF ANNADALE DRIVE

9F

SUBDIVISION: STONEBRIAR P.D., PHASE 4, AREA 6 (P.D. 03-335 CC)

DEVELOPER: LAND SOLUTIONS, LLC

ACTION: RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO THE STONEBRIAR P.D., PHASE 4, AREA 6 (P.D. 03-335 CC) AND AUTHORIZE RECORDING OF THE PLAT

LOCATION: SOUTH SIDE OF HOLMES ROAD; +/-747 FEET EAST OF ANNADALE DRIVE

9G

SUBDIVISION: SUTTON PLACE P.D., PHASE 1 (P.D. 02-313 CC)

DEVELOPER: HOUSTON LEVEE CROSSING PARTNERS

ACTION: RESOLUTION TO RELEASE THE BOND THAT SECURED THE IMPROVEMENTS TO SUTTON PLACE P.D., PHASE 1 (P.D. 02-313 CC)

LOCATION: EAST SIDE OF HOUSTON LEVEE ROAD; +/-2,800 FEET NORTH OF MACON ROAD

9H

SUBDIVISION: SUTTON PLACE EAST P.D., PHASE 2 (P.D. 03-340 CC)

DEVELOPER: HOUSTON LEVEE CROSSING PARTNERS

ACTION: RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO SUTTON PLACE EAST P.D., PHASE 2 (P.D. 03-340 CC) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED

LOCATION: SOUTH SIDE OF PISGAH ROAD; +/- 5,700 FEET NORTH OF THE INTERSECTION OF MACON ROAD AND PISGAH ROAD

SUBDIVISION: TUSCANY PLACE SUBDIVISION-RESUBDIVISION OF LOT 11 (S 00-046 CC)

DEVELOPER: JAMES G. FARR

ACTION: RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO TUSCANY PLACE SUBDIVISION-RESUBDIVISION OF LOT 11 (S 00-046 CC) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED

LOCATION: 300.63 FEET EAST OF BERRYHILL ROAD AND LAZZINI COVE

[For questions regarding the Agenda, please call
Grace Hutchinson, Chief Administrator, at 545-4301.]